

REMARKS

Claims 1-16 are pending in the present application. Applicant is submitting herewith a Request for Continued Examination (RCE) to withdraw the application from appeal. With entry of this Amendment accompanying the RCE, Applicant amends claims 1 and 9-15 and adds new claims 17 and 18. Reexamination and reconsideration are respectfully requested.

Claims 1-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mohrbacher (US 5602356).

The present invention relates to a method and apparatus for producing a waveform. As recited in claim 1, style-of-rendition identification information representing a style-of-rendition is used to generate a packet stream for producing a waveform. In the previous after final Amendment, Applicant explained the musical note assistance data of Mohrbacher is merely note data and does not identify a style-of-rendition. While one may surmise a style-of-rendition by playing note data, the note data does not identify the style-of-rendition.

In the Advisory Action dated December 8, 2004, the Examiner noted that that “applicant’s arguments are focused on the creation of a means of information that actively identifies style of rendition information, whereas the scope of the claims merely has information that portrays a style of rendition.” Applicant notes that claim 1 specifically recites style-of-rendition *identification* information, i.e., information that identifies the style of rendition. Thus, Applicant does not believe there is any disparity between the claim scope and his arguments.

To further ensure clarity, Applicant has amended independent claims 1 and 9-11 to recite “style-of-rendition identification information *identifying* a style of rendition” (emphasis added). Applicant believes that this amendment clearly sets forth that the present invention produces a waveform utilizing information that identifies a style-of-rendition. It is believed that Mohrbacher does not disclose the use of information that identifies a style-of-rendition. Accordingly, Applicant respectfully submits that claims 1 and 9-11 are in condition for allowance.

Claims 2-8 and 16, which depend from claim 1, are likewise in condition for allowance. New claims 17 and 18, which depend from claim 1, are also in condition for allowance.

With respect to claims 12-15, the Examiner did not enter the after final amendment to claims 12-15 as indicated in the Advisory Action. Applicant requests that the after final amendment not be entered in view of the present amendment to claims 12-15. Applicant has amended claims 12-15 to recite that the each packet in a packet stream includes “vector identification information identifying vector data for generating a waveform” and that the vector data is arranged on a time axis in accordance with the vector identification information. Applicant believes that this amendment clearly reflects how the waveform is produced. It is believed that Mohrbacher does not disclose vector identification information and, indeed, as discussed in the previous after final Amendment, Applicant does not believe that Mohrbacher discloses vector data at all.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032020000.

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Respectfully submitted,

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